

213.1143-CIP

UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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JUL 28 2006**

Examiner: CHISM, Billy D. Art Unit: 1654
Re: Application of: ZHAO, Hong, et al.
Serial No.: 10/705,743
Filed: November 11, 2003
For: **POLYMERIC PRODRUGS OF
VANCOMYCIN**
Confirmation No.: 4306

RESPONSE**VIA FACSIMILE 571-273-8300**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

July 28, 2006

Sir:

Responsive to the Office Action dated June 29, 2006, the following remarks are made:

A. RESTRICTION REQUIREMENT

In response to the restriction requirement, Applicants elect to prosecute in this patent application Group I, claims 3-9, 11-13, 16-18 and 20, drawn to methods of making vancomycin-polymer conjugates. This response is made with traverse and it is urged that the claims contained in Groups I-III be examined together. Reconsideration is respectfully requested.

It is noted that all Groups I-III are identically classified in class 514, subclass 2+. As such, the search directed to the invention of the elected Group I will completely overlap a search strategy directed to the invention of the non-elected Groups II and III. Accordingly, Applicants urge that there would not be an undue burden upon the Examiner to search and consider Groups I-III at the same time.

In addition, the Examiner has the discretion to prosecute all of the pending claims in a single patent application. In fact, "[I]f the search and examination of an entire application can be

There is no change in inventorship based upon this selection.

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w is 1;

R₁ is a polyethylene glycol residue with a molecular weight of 40,000 Da;

L₁ is NHCH(CH₃);

Y₁, Y₂, Y₃ and Y₄ are O;

Ar is dimethylphenyl;

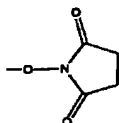
R₃ and R₄ are H; and

n, o and p are 1.

The reactants, compound 21 and compound 1, contain the elements corresponding to:

R₁₁ is H; and

B₁ is



This response to the requirement of the election of species is also made with traverse.

Reconsideration is therefore respectfully requested. It is believed that all the compounds prepared by claim 1 should be examined together and that the differences of species is not such as to require separate examinations. Accordingly, it is urged that, in the interest of efficiency in prosecution, all the species be examined together.

C. REJOINDER

Applicants reserve the right to request rejoinder of all appropriate claims removed by the Examiner in the event that the traversal is not deemed persuasive.

D. FEES

This response is being filed within the shortened period for response. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as

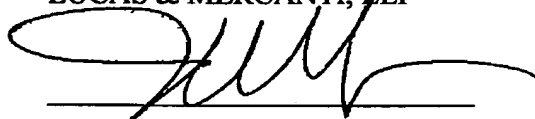
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incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, LLP



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response is being facsimile transmitted to the Commissioner for Patents on the date shown below.

July 28, 2006

LUCAS & MERCANTI, LLP

BY:


Michael N. Mercanti